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SMALL BUSINESS

# United States Senate

WASHINGTON, DC 20510-1005

March 24, 2000

Ms. Janie Cooksey  
Congressional Liaison  
U.S. Department of Commerce  
Patent and Trademark Office  
Washington, DC 20231

Dear Ms. Cooksey:

The information enclosed is of the utmost importance to my constituent, Mr. Eric Jansson. The information provided raises significant questions about the procedures followed by the Patent and Trademark Office in the decision to withhold issuance of several patents.

I understand, from speaking to the representative of my constituent, that the decision to withhold issuance of these patents was made in a most unconventional fashion. I would very deeply appreciate a thorough review of this situation and a complete report on the basis for the decision which was made in this case.

As you will note, my constituent has a firm belief that the technology involved in this application has a very great commercial as well as social value. I would be grateful for all that you can do to assure that this matter is promptly addressed.

Thank you for your consideration.

Most respectfully,



Max Cleland  
United States Senator

MC:jhs

SUITE 1700  
75 SPRING STREET, S.W.  
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(404) 331-4811

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235 ROOSEVELT AVENUE  
ALBANY, GA 31701-2372  
(912) 430-7796

611 TELFAIR STREET  
AUGUSTA, GA 30901-2324  
(706) 722-4040

SUITE 101  
120 12TH STREET  
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(706) 649-7705

203 MARTIN LUTHER KING JR. BLVD.  
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(706) 275-8905

SUITE 203  
401 CHERRY STREET  
MACON, GA 31201-3384  
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SUITE A  
440 MALL BOULEVARD  
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**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APR 21 2000

The Honorable Max Cleland  
United States Senate  
Washington, D.C. 20510-1005

Dear Senator Cleland:

Thank you for your recent letter concerning your constituent Eric Jansson.

The matter to which Mr. Jansson refers is currently in litigation in the case of *Blacklight Power, Inc. v. Dickinson*, Civ. No. 00-0422 (D.D.C.). It would be inappropriate, therefore, to comment in detail. Moreover, the application is still pending and the applicant possesses all procedural remedies, including, but not limited to, the opportunity to seek judicial relief.

The United States Patent and Trademark Office (USPTO) has moved for summary judgment in that litigation. Attached is a copy of the USPTO's Opposition to Plaintiff's Motion for Summary Judgment, including affidavits, recently filed in the litigation that addresses and denies the applicant's allegations concerning improper handling of the application.

I appreciate your letter and believe that the federal district court will fairly adjudicate the pending matter.

Sincerely,

Robert L. Stoll  
Administrator for External Affairs

Enclosure



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MAY 15 2000

The Honorable Max Cleland  
United States Senate  
Washington, D.C. 20510-1005

Dear Senator Cleland:

Thank you for your most recent letter on behalf of a constituent, Eric Jansson, regarding on-going litigation between the United States Patent and Trademark Office (USPTO) and Blacklight Power, Inc.

Your letter indicates that your constituent is an investor in Blacklight Power. In the litigation, Blacklight Power is represented by counsel. Thus, it would be inappropriate for the USPTO to communicate directly, or indirectly through your office, with a person represented by counsel. Moreover, any discovery in this matter should be conducted by counsel under the district court's supervision and procedures. Last, Blacklight Power is also represented by counsel before the USPTO in regards to its patent application. When counsel has appeared to represent the patent applicant, the USPTO does not conduct the patent application process with multiple parties nor with persons having some fractional interest in the patent application.

We appreciate your understanding of the nature of your request and your intention not to urge disclosure that would be inappropriate. The district court has scheduled a hearing on May 16, 2000, to hear arguments on the cross-motions for summary judgment. Given the pending litigation, issues concerning this application are best left for resolution by the parties counsel and the district court.

Sincerely,

Robert L. Stoll  
Administrator for External Affairs